

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STEVEN SMITH, }
Plaintiff, }
v. } Civil Action No. 08-233 Erie
DEPUTY HALL, et al., }
Defendants. }

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on August 13, 2008, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 6], filed on December 19, 2008, recommended that Plaintiff's motion for temporary restraining order [Doc. No. 1] be denied. The parties were allowed ten (10) days from the date of service to file objections. No objections were filed. After de novo review of the motion and documents in the case, as well as the transcript of the hearing on Plaintiff's motion for temporary restraining order, and together with the Report and Recommendation, the following order is entered:

AND NOW, this 20th day of January, 2009;

IT IS HEREBY ORDERED that Plaintiff's motion for temporary restraining order [Doc. No. 1] is DENIED.

The Report and Recommendation [Doc. No. 6] of Magistrate Judge Baxter, filed on December 19, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge